

APPENDIX.

REPORT OF COMMITTEE ON EN-ROLLED BILLS.

Committee Room,
Austin, Texas, February 11, 1921.

Hon. Charles G. Thomas, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 11, Providing redistrict-
ing maps for members of the Legisla-
ture,

Have carefully compared same and
find it correctly enrolled, and have this
day, at 10:45 o'clock a. m., presented
same to the Governor for his approval.

FAUBION, Chairman.

TWENTY-FIFTH DAY.

(Monday, February 14, 1921.)

The House met at 10 o'clock a. m.,
pursuant to adjournment, and was called
to order by Speaker Thomas.

The roll was called and the following
members were present:

Aiken.	Davis, John,
Baker.	of Dallas.
Baldwin.	Dinkle.
Barker.	Duffey.
Barrett of Bell.	Duncan.
Barrett of Fannin.	Edwards.
Bass.	Estes.
Beasley	Faubion.
of Hopkins.	Fly.
Beasley	Fugler.
of McCulloch.	Garrett.
Beavens.	Greer.
Binkley.	Grissom.
Black, O. B.,	Hall.
of Bexar.	Hardin.
Black, W. A.,	Harrington.
of Bexar.	Harrison.
Bonham.	Henderson
Branch.	of McLennan.
Bryant.	Henderson
Burkett.	of Marion.
Burmeister.	Hendricks.
Burns.	Hill.
Carpenter.	Horton.
Childers.	Johnson of Ellis.
Chitwood.	Johnson
Coffee.	of Wichita.
Cox.	Jones.
Cummins.	Kacir.
Curtis.	Kellis.
Darroch.	King.
Davis, John E.,	Lackey.
of Dallas.	Laird.

Laney.	Rowland.
Lauderdale.	Satterwhite.
Lawrence.	Schweppé.
Lindsey.	Seagler.
Looney.	Shearer.
McDaniel.	Sims.
McFarlane.	Smith.
McKean.	Sneed.
McLeod.	Stephens.
Malone.	Stevenson.
Martin.	Stewart
Marshall.	of Edwards.
Mathes.	Stewart of Reeves.
Melson.	Swann.
Merriman.	Sweet of Brown.
Miller of Parker.	Sweet of Tarrant.
Morgan.	Teer.
Moore.	Thomas
Morris of Medina.	of Limestone.
Morris	Thomason.
of Montague.	Thompson
Mott.	of Harris.
Neblett.	Thompson
Owen.	of Red River.
Patman.	Thorn.
Perkins	Thrasher.
of Cherokee.	Veatch.
Perry.	Wadley.
Pollard.	Walker.
Pool.	Wallace.
Quaid.	Webb.
Quicksall.	Wessels.
Rice.	West.
Rogers of Harris.	Westbrook.
Rogers of Shelby.	Williams
Rosser.	of Montgomery
Rountree.	Wright.

Absent.

Brown.	Williams
Miller of Dallas.	of McLennan.
Pope.	

Absent—Excused.

Adams.	Kveton.
Brady.	Leslie.
Crawford.	McCord.
Crumpton.	Menking.
Hanna.	Perkins of Lamar.
Johnson	Quinn.
of Gillespie.	

A quorum was announced present.

Prayer was then offered by the Rev.
Edward Owers, pastor of the Christian
Church of Austin.

LEAVES OF ABSENCE GRANTED.

The following members were granted
leaves of absence on account of impor-
tant business:

Mr. Hanna for Monday, Tuesday and
Wednesday, on motion of Mr. Edwards.
Mr. Perkins of Lamar for today and
tomorrow, on motion of Mr. Lindsey.

Mr. Crawford for last Saturday and today, on motion of Mr. McFarlane.

Mr. Quinn for today and tomorrow, on motion of Mr. Martin.

Mr. O. B. Black of Bexar for last Saturday, on motion of Mr. Hall.

Mr. Brady for today, on motion of Mr. Shearer.

Mr. Bass for last Saturday, on motion of Mr. Merriman.

Mr. McCord for Monday, Tuesday and Wednesday, on motion of Mr. Swann.

Mr. Crumpton for today, on motion of Mr. Marshall.

Mr. Menking for today, on motion of Mr. Beasley of McCulloch.

Mr. Schweppe for last Saturday, on motion of Mr. Lindsey.

Mr. Kveton for last Saturday and today, on motion of Mr. Wessels.

Mr. Leslie for last Saturday and indefinitely, on motion of Mr. Burkett.

Mr. Adams was excused today and indefinitely, on motion of Mr. Curtis, on account of sickness.

MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, February 14, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 23. A bill to be entitled "An Act to prevent fraud in the sale and disposition of the stocks, bonds or other securities sold or offered for sale within the State of Texas by any corporation, association, person, firm or partnership, company, broker or agent by requiring investigation, examination and licensing the sale of such securities and of the companies, brokers and agents making such sales and placing the administration of this act in the hands of a commission hereby created, to be known as the 'Texas Securities Commission,' composed of the Attorney General or one of his assistants, the State Treasurer and the Commissioner of Insurance and Banking, together with an executive officer to be appointed by the commission; prescribing the powers, duties and compensation of the commission; defining what shall constitute violations of this act and fixing the penalties and punishment therefor; making appropriation for the support of the commission; specifying that this law shall be known as the 'Blue Sky Law of Texas'; repealing all laws in conflict herewith and especially the act of the First Called Session of the Thirty-

third Legislature, Chapter 32, of the published laws of said session, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Laird, it was ordered that House bill No. 409 be not printed.

On motion of Mr. Thomason, it was ordered that Senate bill No. 176 be not printed.

On motion of Mr. Lindsey, it was ordered that House bill No. 424 be not printed.

BILLS ORDERED PRINTED.

On motion of Mr. Johnson of Ellis, it was ordered that House bill No. 380, with majority adverse and minority favorable report, be printed.

On motion of Mr. West, it was ordered that House bill No. 370, with majority adverse and minority favorable report, be printed.

On motion of Mr. Darroch, it was ordered that House bill No. 194, with majority adverse and minority favorable report, be printed.

RELATING TO OLD SOLDIERS' WIVES.

Mr. Morris of Montague offered the following resolution:

H. C. R. No. 24, Relating to old soldiers' wives.

Whereas, There are now a number of old soldiers at the Confederate Home who have wives, and their wives are not permitted to remain at the Home with their husbands, but are required to remain at the Confederate Woman's Home some miles away, and they do not have the opportunity very often to visit or see each other; and

Whereas, The new hospital building now being erected at the old soldiers' home will soon be completed, and when completed will be sufficient to accommodate all the patients at the Home and the old hospital at the Home will be vacant; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That when this old hospital is so vacated, the Superintendent of the Home, under the direction of the Board of Control, shall cause the old hospital to be repaired and well fumigated and properly furnished, and when this is done the old soldiers who have wives and their wives be per-

mitted to occupy the said building; that the old soldiers and their wives may remain together so long as they both live; and be it further

Resolved, That the Legislature make the necessary appropriation to carry out these resolutions.

Signed—Morris of Montague, McLeod.

The resolution was read second time and was adopted.

OPINION OF ATTORNEY GENERAL.

On motion of Mr. Fly, the following opinion of the Attorney General was ordered printed in the Journal:

Statutes, Special Laws, Offices and Officers, Commissioners Court.

(1) The Legislature can not increase the compensation of a county commissioner by special law; the compensation of such officers is controlled by the general statute. (Chap. 29, Acts Fourth Called Session, Thirty-fifth Legislature; Chap. 98, Acts Regular Session, Thirty-sixth Legislature.)

(2) The Legislature can not create the office of county road supervisor by special law, nor can it pass a special law providing extra compensation for county commissioners where such officials perform the duties of road supervisors. Where the office of road supervisor has been created by general law, a county commissioner can draw extra compensation for performing the duties of ex-officio road supervisor, but such compensation should be authorized by general law.

(3) The Legislature, in the passage of local road laws, is not authorized by the Constitution to provide in such laws for the levy of a local road tax.

Attorney General's Department,
Austin, Texas, February 11, 1921.

Hon. W. M. Fly, Chairman Committee on Roads, Bridges and Ferries, House of Representatives.

Dear Sir: In your communication of the 10th instant, you state:

"Mr. Patman, a member of the Committee on Roads, Bridges and Ferries, and a sub-committeeman, to consider all local bills referred to our committee has been instructed by said committee to secure your official opinion upon questions which he will present to you in person, and this is a request that you please let us have your written opinion answering such questions at your earliest convenience."

The following questions were submitted by Mr. Patman:

(1) Can you increase the pay of county commissioners by special law?

(2) Can you by a special law create the office of road supervisor?

(3) If the office of road supervisor can be created by special law, can the county commissioners draw extra compensation for performing the duties of that office?

(4) Where the office of road supervisor has been created by general law, can a county commissioner draw extra compensation for performing the duties of that office?

(5) Can the Legislature by special law provide a sum to be paid in lieu of all road work, which amount is in conflict with the sum prescribed by the general law?

We will reply to above inquiries in the order propounded as follows:

(1) The Legislature can not increase the compensation of a county commissioner by special law.

Section 56, Article 3, of the Constitution, among other things, provides:

"The Legislature shall not, except as otherwise provided for in this Constitution, pass any local or special law
* * *

"Regulating the affairs of counties, cities, towns, wards or school districts
* * *

"And in all other cases where a general law can be made applicable, no local or special law shall be enacted."

In *Altgelt vs. Gutzeit*, 201 S. W., 400, the Supreme Court of this State (opinion by Chief Justice Phillips) held that the provision in the special road law for Bexar county fixing a salary of \$2400 a year for each commissioner of Bexar county "in lieu of all other fees and per diem of all kinds now payable or that may hereafter be allowed by general law" was an attempt to regulate the affairs of the county and the section was therefore unconstitutional. This opinion was rendered on March 13, 1918, and as the Legislature was then in session, a general law was passed fixing the compensation of county commissioners in all counties throughout the State. This act was approved by the Governor on March 22, 1918, and, inasmuch as the bill had received the necessary favorable vote in both Houses of the Legislature, it became a law on the date of its approval. (See Chap. 29, Acts Fourth Called Session, Thirty-fifth Legislature, and the amendments thereto,

the same being Chapter 98, Acts 1919, Regular Session.)

The compensation of county commissioners is fixed by general law as follows:

(a) In all counties containing a population of 100,000 and over, the county commissioners of the several counties shall each receive a salary of \$2400 per annum, payable in equal monthly installments "and this salary shall be in lieu of all other fees and per diem of all kinds now allowed by law."

(b) In all counties containing a population of less than 29,000, the county commissioners of the several counties "shall each receive \$4 per day for each day served as commissioner, and when acting as ex-officio road supervisors of their precincts they shall each receive \$4 for each day actually served in supervising the construction or repair of the public roads in their respective precincts; provided, that each commissioner shall in no event receive more than \$1000 in any one year for such service." (Acts 1919, Chap. 98, Sec. 1.)

(c) In all counties containing a population of 50,000 and not more than 100,000, the county commissioners shall each receive a salary of \$1800 per annum, payable in equal monthly installments, "and this salary shall be in lieu of all other fees and per diem now allowed by law." (Acts 1918, 4th Called Session, Chap. 29.)

(d) In all counties containing a population of 40,000 and not more than 50,000, the county commissioners shall each receive a salary of \$1500 per annum, payable in equal monthly installments, "and this salary shall be in lieu of all other fees and per diem of all kinds now allowed by law."

(e) In all counties containing a population of "not less than 29,000" and "not more than 40,000" the county commissioners shall each receive a salary of \$1200 per annum, payable in equal monthly installments, "and this salary shall be in lieu of all other fees and per diem of all kinds now allowed by law." (Acts 1919, Chap. 91, Sec. 1.)

The statute declares that the last United States census shall govern as to population in determining the compensation therein provided.

The act above referred to was passed for the purpose of fixing the compensation of county commissioners in conformity with the decision of the Supreme Court in *Altgelt vs. Gutzeit*, above. This intention is clearly shown by the emergency clause, which reads, in part, as follows:

"The fact that the various counties of the State are attempting to operate under special road laws enacted from time to time by the Legislature provided for difference and varied compensations and salaries for county commissioners, and the fact that there is some question as to the validity of such provisions of said road laws fixing salaries, thereby creating uncertainty and confusion in the enforcement of the road laws of the State creates an emergency and an imperative public necessity." * * *

(2) The Legislature cannot create the office of county road supervisor by special law. By Section 56 of Article 3 of the Constitution it is declared:

"The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, * * *

"Creating offices or prescribing the powers and duties of officers in counties, cities, towns, election or school districts." * * *

It will thus be seen that the Legislature is inhibited from passing the special law for such a purpose, unless such power is conferred by some other part of the Constitution. An examination of that instrument will show that no such power is therein conferred upon the Legislature.

(3) The third question is partially answered in the reply to the second question; that is, the office of county road supervisor cannot be created by special statute.

The Legislature is without authority to pass a special law providing extra compensation for county commissioners where such officials perform the duties of road supervisors. In *Altgelt vs. Gutzeit*, above, the court said:

"No doubt the Legislature, in the passage of local road laws, may, within proper bounds, provide compensation for extra services to be performed by those officials where uncontrolled by general laws and required by such local laws and directly connected with the maintenance of the public roads. We are not called upon to determine that question here. But under the guise of such a law it has no authority to legislate upon the subject of their general compensation or to alter the general laws governing it. We think that is what this act plainly attempted to do. We therefore hold the section in question to be unconstitutional."

At the time the above opinion was written, the Legislature had not passed the Act of March 22, 1918, but, as above stated, almost immediately after this

opinion was written, it passed the general statute fixing the compensation of county commissioners. It cannot now, in the passage of a local road law, provide compensation for extra services to be performed by county commissioners because such compensation is controlled by the general statute. Such an act would be altering the general statutes governing the subject and would, therefore, be unconstitutional and void.

(4) In reply to the fourth question, attention is directed to Article 6901, Vernon's Complete Texas Statutes (Civil), 1920, reading in part as follows:

"The county commissioners of the several counties are hereby constituted supervisors of public roads in their respective counties and each commissioner shall supervise the public roads within his commissioner's precinct once each month, and shall receive as compensation therefor three dollars per day for the time actually employed in the discharge of his duties, to be paid out of the road and bridge fund of the county; provided, that no commissioner shall receive pay for more than ten days in any one month."

This article in respect to compensation was superseded and in effect repealed by the Act of March 22, 1918, but it was not repealed in so far as it relates to the supervision of the public roads by county commissioners.

By Chapter 5 of Title 119, the commissioners court is authorized to employ road commissioners (Articles 6946 et seq.); and by Chapter 6 of the same title, the commissioners courts of certain counties may appoint "one road superintendent for such county, or one superintendent in each commissioner's precinct." (Articles 6953 et seq.)

The articles above referred to are the only provisions of the general law we find relating to road supervisors, road commissioners and road superintendents. There is a chapter providing for road overseers, but the same is not material in this instance.

In our opinion, the Legislature, in the creation of the office of county road supervisor by general law, will not be inhibited from allowing extra compensation to county commissioners for performing services as ex-officio road supervisors. Since repeals by implication are never favored, a general act creating the office of county road supervisor and providing compensation therefor will not repeal the provisions of the present general statute with reference to compensation or per diem of county commissioners in the absence of

conflicting provisions. "One statute is not repugnant to another, unless they relate to the same subject and are enacted for the same purpose." (Sutherland on Statutory Construction, Section 138.) Therefore, an act creating the office of county road supervisor will not repeal the provisions of the law fixing the compensation of county commissioners, unless there is a clear conflict between the two statutes, and, in that event, the new act will prevail over the old statute; and as long as the Legislature confers upon the commissioners court the right "to exercise general control and superintendence over all roads, highways, ferries and bridges in their counties" (Art. 2241, sub. 6), it may provide extra compensation for county commissioners in respect to the superintendence and control over roads, bridges and ferries. Such compensation should be authorized by general statute, as was done in the Act of March 22, 1918, above referred to. If there were no general statute on the subject, such extra compensation could be allowed by special law, but not otherwise. *Altgelt vs. Gutzeit*, above.

(5) We assume that the fifth question relates to the authority of the Legislature to provide for the levy of a per capita road tax by special law. Your attention is directed to Section 3 of Article 8 of the Constitution, which declares:

"Taxes shall be levied and collected by general laws and for public purposes only."

In the recent case of *Meyenberg vs. Ehlinger*, 224 S. W. 312 (advance sheet No. 1), the Galveston Court of Civil Appeals held that Section 9 of Article 8, authorizing the Legislature to pass special laws for the maintenance of public roads, did not carry with it authority to levy a local tax in one county for road purposes contrary to other provisions of the Constitution, which limits the power of the Legislature in levying taxes. The opinion in this case declares:

"We are further of opinion that the act in question is void because it violates Sections 1 and 3 of Article 8 of the Constitution of this State, which provides that taxation be equal and uniform, and that taxes shall be levied and collected for public purposes only. These provisions of the Constitution limit the power of the Legislature to levy any tax upon the citizen which does not bear equally upon all citizens of the State, or to levy any tax except by general law and for public purposes.

"There are other provisions of the Constitution which authorize the Legislature to give to counties, cities, and other political subdivisions of the State the right to levy taxes of specified amounts for local purposes, but the Legislature is not authorized to make such levy.

"We do not think that the right conferred upon the Legislature by Section 9 of Article 8 of the Constitution to 'pass local laws for the maintenance of the public roads and highways, without the local notice required for special or local laws,' authorizes the Legislature to levy a local tax for road purposes contrary to other provisions of the Constitution limiting the power of the Legislature in levying taxes, and we are not cited to any case which has so construed this provision of the Constitution."

The act declared void in the above case was a special road law for Fayette county, enacted by the Thirty-sixth Legislature, and which provided, in part, as follows:

"Every able-bodied person between the ages of twenty-one and sixty years shall be liable for road duty in Fayette county, and every such person shall on, or before, the first day of February of each year pay to the tax collector of Fayette county the sum of five dollars, and every person making such payment shall be exempt from road duty for one year next succeeding such first day of February. The county tax collector shall receive and receipt for all moneys so paid him and shall pay same over to the county treasurer by deposit warrant, retaining one of said warrants as his receipt therefor; the same to be placed to the credit of the road and bridge fund and a separate account shall be kept for each precinct from which said money is received by the tax collector." (Special Laws 119, Chap. 2. Sec. 1.)

From the above it will be seen that the Legislature, in the passage of local road laws, is not authorized to provide therein for the levy of a local tax.

Yours very truly,
W. P. DUMAS,
Assistant Attorney General.

The above opinion has been considered in conference, has been approved, and is now ordered recorded.

C. M. CURETON,
Attorney General.

RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 21, Providing for an investigation of price of crude oil.

H. C. R. No. 23, Inviting Governor Neff to address the Legislature.

RELATING TO INSURANCE ON STATE PROPERTY.

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 22, Relating to insurance on State property.

The resolution having heretofore been read second time, and referred to the Committee on Appropriations.

Question recurring on the resolution, it was adopted.

ADDRESS BY GOVERNOR NEFF.

(In Joint Session.)

In accordance with the provisions of a concurrent resolution heretofore adopted, the Senate, at 10:30 o'clock a. m., were announced at the bar of the House, and being admitted, were escorted to seats along the aisles already prepared for them, Lieutenant Governor, Hon. Lynch Davidson, and President Pro Tem. of the Senate, Hon. Paul D. Page, being escorted to seats on the Speaker's stand.

Lieutenant Governor Davidson then appointed Senators Witt and Lewis on the part of the Senate, and Speaker Thomas appointed Messrs. Quicksall and Henderson of McLennan, on the part of the House, to escort Governor Neff and party to the Speaker's stand.

The committee having performed their duty, Speaker Thomas presented Lieutenant Governor Davidson who in turn presented Governor Neff to the Joint Session.

Governor Neff then addressed the Joint Session.

The Senate then retired to its Chamber.

HOUSE BILL NO. 174 ON SECOND READING.

On motion of Mr. John E. Davis of Dallas, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 174, A bill to be entitled

"An Act to amend Article 7138, Revised Civil Statutes of 1911, so as to provide for the appointment of deputy constables in justice precincts in which there is no city of eight thousand or more inhabitants, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

BILL RE-REFERRED.

On motion of Mr. Seagler, Senate bill No. 70 was withdrawn from the Committee on Criminal Jurisprudence and referred to the Judiciary Committee.

HOUSE BILL NO. 196 ON SECOND READING.

On motion of Mr. Cummins, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 196, A bill to be entitled "An Act to amend Section 2 of Chapter 42 of the General Laws of the Thirty-second Legislature relating to exemptions as affecting employees and ex-employees of common carriers, express, railway, telegraph, news and other companies, persons and corporations performing service for or in connection with the operation of the railways, the State Railroad Commissioners, peace officers and representatives of industrial fairs and farmers' congresses and institutes and farmers' unions; deputy sheriffs, United States marshals and not more than two deputies of each such marshal; chiefs of police and city marshals; eleemosynary and religious societies; volunteer firemen and Confederate veterans; the State Game, Fish and Oyster Commissioner and his two chief deputies; State and county health officers; government representatives accompanying fish for free distribution in the streams of this State; the Dairy and Food Commissioner and two chief deputies; and providing for right of contract between railway companies and editors, proprietors or publishers of newspapers and magazines; persons who have been instrumental in securing the passage by the United States Congress of statutes providing for the equipment of railroad trains with safety appliances; constables, members of the State militia in uniform when called into service."

The Speaker laid the bill before the House, and it was read second time.

Mr. Cummins offered the following amendment to the bill:

Amend said bill, page 1, line 28, so as to read as follows: "Chapter 83" instead of "Chapter 42."

The amendment was adopted.

Mr. Cummins offered the following amendment to the bill:

Amend caption of said bill on page 1, line 6, so as to read "Chapter 83" instead of "Chapter 42."

The amendment was adopted.

Mr. Patman offered the following amendment to the bill:

Amend House bill No. 196 by inserting "ministers of the gospel" after the word "Home," in line 34, page 2.

Mr. Cummins moved to table the amendment.

Question—Shall the motion to table prevail?

RECESS.

Mr. Baldwin moved that the House recess to 1:30 o'clock p. m. today.

Mr. Jones moved that the House recess to 2 o'clock p. m. today.

The motion of Mr. Jones prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Thomas.

HOUSE BILL NO. 196 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 196, amending the anti-pass law on its passage to engrossment, with amendment by Mr. Patman and motion by Mr. Cummins to table the amendment, pending.

Mr. Cummins withdrew the motion to table.

On motion of Mr. Quaid, the amendment was tabled.

Mr. Miller of Parker offered the following amendment to the bill:

Amend House bill No. 196, after the words "the Railroad Commissioners," in line 20, page 2, add the following words, "and members of the Legislature."

Mr. Jones moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—102.

Aiken.
Baker.

Baldwin.
Barker.

Barrett of Bell.	Lawrence.
Barrett of Fannin.	McDaniel.
Bass.	McKean.
Beasley	McLeod.
of Hopkins.	Malone.
Beasley	Martin.
of McCulloch.	Marshall.
Beavens.	Mathes.
Binkley.	Melson.
Black, O. B.,	Moore.
of Bexar.	Morris of Medina.
Black, W. A.,	Morris
of Bexar.	of Montague.
Bonham.	Mott.
Bryant.	Neblett.
Burkett.	Patman.
Burmeister.	Perkins
Burns.	of Cherokee.
Carpenter.	Perry.
Childers.	Pollard.
Chitwood.	Quaid.
Coffee.	Quicksall.
Cummins.	Rice.
Curtis.	Rogers of Harris.
Darroch.	Rogers of Shelby.
Davis, John E.,	Rosser.
of Dallas.	Rountree.
Davis, John,	Rowland.
of Dallas.	Schweppe.
Dinkle.	Shearer.
Duffey.	Sims.
Duncan.	Smith.
Edwards.	Sneed.
Estes.	Stephens.
Faubion.	Stevenson.
Fly.	Stewart
Garrett.	of Edwards.
Greer.	Stewart of Reeves.
Grissom.	Swann.
Hall.	Sweet of Brown.
Hardin.	Sweet of Tarrant.
Harrington.	Teer.
Harrison.	Thomas
Henderson	of Limestone.
of McLennan.	Thomason.
Henderson	Thompson
of Marion.	of Harris.
Hendricks.	Thrasher.
Hill.	Veatch.
Horton.	Wadley.
Jones.	Walker.
Kacir.	Wallace.
King.	West.
Lackey.	Westbrook.
Laird.	Williams
Laney.	of Montgomery.
Lauderdale.	
	Nays—8.
Johnson	Miller of Parker.
of Wichita.	Owen.
Kellis.	Thompson
McFarlane.	of Red River.
Merriman.	Wessels.
	Absent.
Branch.	Brown.

Cox.	Pope.
Fugler.	Satterwhite.
Johnson of Ellis.	Seagler.
Lindsey.	Thorn.
Looney.	Webb.
Miller of Dallas.	Williams
Morgan.	of McLennan.
Pool.	Wright.

Absent—Excused.

Adams.	Kveton.
Brady.	Leslie.
Crawford.	McCord.
Crumpton.	Menking.
Hanna.	Perkins of Lamar.
Johnson	Quinn.
of Gillespie.	

Reason for Vote.

I sent up the amendment to House bill No. 196 and voted for same, providing to permit railroad companies to give passes to legislators merely as a matter of jest and not through sincerity.

MILLER of Parker.

Mr. Beasley of McCulloch offered the following amendment to the bill:

Amend House bill No. 196, page 3. Section 2, line 29, by striking out all in said line after the word "year" and down to and including the word "company." in line 36.

On motion of Mr. Merriman, the amendment was tabled.

Mr. Stephens offered the following amendment to the bill:

Amend House bill No. 196 by striking out all of that part of Section 2 beginning at the word "also," in line 13, page 2, down to and including line 16, page 3.

The amendment was lost.

Mr. Bass moved the previous question on the engrossment of the bill, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 196 was passed to engrossment by the following vote:

Yeas—83.

Aiken.	Bonham.
Baker.	Branch.
Bass.	Burmeister.
Beasley	Carpenter.
of Hopkins.	Chitwood.
Beasley	Coffee.
of McCulloch.	Cox.
Beavens.	Cummins.
Black, O. B.,	Curtis.
of Bexar.	Darroch.
Black, W. A.,	Davis, John,
of Bexar.	of Dallas.

Duncan.	Patman.
Faubion.	Quaid.
Fly.	Quicksall.
Garrett.	Rice.
Greer.	Rogers of Harris.
Hall.	Rosser.
Harrison.	Rountree.
Henderson	Rowland.
of Marion.	Satterwhite.
Hendricks.	Shearer.
Hill.	Sims.
Horton.	Smith.
Johnson of Ellis.	Sneed.
Johnson	Stevenson.
of Wichita.	Stewart
Kellis.	of Edwards.
Lackey.	Stewart of Reeves.
Laird.	Swann.
Looney.	Sweet of Brown.
McDaniel.	Teer.
McFarlane.	Thomas
McKean.	of Limestone.
McLeod.	Thomason.
Malone.	Thompson
Martin.	of Harris.
Marshall.	Thompson
Mathes.	of Red River.
Melson.	Wadley.
Merriman.	Walker.
Miller of Parker.	Wallace.
Moore.	Webb.
Morris of Medina.	Wessels.
Morris	West.
of Montague.	Westbrook.
Mott.	Williams
Neblett.	of Montgomery

Nays—25.

Barker.	Jones.
Barrett of Bell.	Kacir.
Barrett of Fannin.	King.
Binkley.	Laney.
Bryant.	Lauderdale.
Burkett.	Lawrence.
Burns.	Owen.
Childers.	Perkins
Davis, John E.,	of Cherokee.
of Dallas.	Rogers of Shelby.
Estes.	Schweppe.
Grissom.	Stephens.
Harrington.	Sweet of Tarrant.
Henderson	Veatch.
of McLennan.	

Absent.

Baldwin.	Perry.
Brown.	Pollard.
Dinkle.	Pool.
Duffey.	Pope.
Edwards.	Seagler.
Fugler.	Thorn.
Hardin.	Thrasher.
Lindsey.	Williams
Miller of Dallas.	of McLennan.
Morgan.	Wright.

Absent—Excused.

Adams.	Kveton.
Brady.	Leslie.
Crawford.	McCord.
Crumpton.	Menking.
Hanna.	Perkins of Lamar.
Johnson	Quinn.
of Gillespie.	

HOUSE BILL NO. 371 ON SECOND READING.

On motion of Mr. Burmeister, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 371, A bill to be entitled "An Act to create and establish the county of Kenedy out of territory taken from the existing counties of Cameron and Hidalgo; prescribing its area and boundaries; appointing commissioners to organize said county and prescribing their duties; providing for a division of said county into commissioners' and justices' precincts; providing for the holding of county and precinct elections for the election of county and precinct officers, and for the location of the county seat of said county; providing for the attaching of said county to the judicial, representative, senatorial and congressional districts, and supreme judicial districts; providing for the assessment and collection of taxes, for the defraying of the expenses of organizing said county and for the payment of the proportion of the liabilities of the counties of Cameron and Hidalgo, chargeable, respectively, on the territory taken from them; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Baker offered the following amendment to the bill:

Amend House bill No. 371 by striking out the word "Kennedy" and insert the word "Ross."

Mr. Merriman offered the following substitute for the amendment:

Provided that the county be named Davidson county, in honor of the late W. L. Davidson, Chief Justice of the Court of Criminal Appeals in Texas.

Signed—Merriman, Rountree.

Question first recurring on the substitute, it was lost.

Mr. Quicksall offered the following substitute for the amendment:

Substitute "Sul Ross" for the amendment.

Question first recurring on the substitute, it was lost.

Question next recurring on the amendment, it was lost.

Mr. McFarlane offered the following amendment to the bill:

Strike out the word "Kennedy" and insert in lieu thereof the words "Joe Bailey."

On motion of Mr. Pollard, the amendment was tabled.

Mr. Rogers offered the following amendment to the bill:

Strike out the word "Kennedy" and insert in lieu thereof the word "Rice."

Signed—Rogers, Hendricks.

On motion of Mr. Pollard, the amendment was tabled.

Mr. Butler offered the following amendment to the bill:

Strike out the word "Kennedy" and insert "Thomason."

The amendment was lost.

Mr. Wessels offered the following amendment to the bill:

Amend by inserting the name "Jim Ferguson" in lieu of "Kenedy."

Mr. Bass moved the previous question on the pending amendment and engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment, it was lost.

House bill No. 371 was then passed to engrossment.

Mr. Burmeister moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 107 ON THIRD READING.

On motion of Mr. Smith, the regular order of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 107, A bill to be entitled "An Act levying an occupation tax on circus shows, carnival companies, wild west shows, trained animal shows, amusement companies and other aggregations giving similar exhibitions in this State; specifying the tax to be paid and reports to be made, and the duty of the Comptroller and tax collector; prescribing penalties; repealing Sections 14, 15 and 16 of Article 7355, Revised Civil Statutes of 1911, and declaring an emergency."

The Speaker laid the bill before the House, and it was read third time.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 107 by inserting after the word "day," line 23, page 1, the following: "for each day such show is within the State, except when such show is wintering."

The amendment was lost.

Mr. Perkins of Cherokee offered the following amendment to the bill:

Amend by striking out "50 cents" in both places where it occurs in line 12, page 2, of the bill, and insert in lieu thereof the words "not exceeding ten dollars," the amount to be fixed by the county or city.

On motion of Mr. O. B. Black of Bexar, the amendment was tabled.

Mr. Pollard offered the following amendment to the bill:

Amend House bill No. 107, page 2, line 2, by adding the following:

"Provided, that no show shall be permitted to give an exhibition within this State after the passage of this act until said show has paid all delinquent taxes, fines and penalties now due this State or any county, city or subdivision thereof."

The amendment was adopted.

Mr. Burkett offered the following amendment to the bill:

Amend House bill No. 107, line 23, by striking out the words "one dollar and twenty-five cents," and insert therein the words "seven dollars and fifty cents."

Mr. Stewart of Reeves moved the previous question on the pending amendment and final passage of the bill, and the main question was ordered.

Mr. Hill moved to reconsider the vote by which the main question was ordered.

The motion to reconsider prevailed.

Question recurring on the motion for the previous question, it prevailed.

Question first recurring on the amendment by Mr. Burkett, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—54.

Aiken.	Childers.
Baker.	Chitwood.
Baldwin.	Coffee.
Barker.	Curtis.
Barrett of Bell.	Darrock.
Barrett of Fannin.	Davis, John E.,
Beasley	of Dallas.
of McCulloch.	Duffey.
Branch.	Grissom.
Bryant.	Hardin.
Burkett.	Henderson
Burmeister.	of Marion.
Burns.	Hill.
Carpenter.	Kacir.

King.	Satterwhite.
Laird.	Schweppe.
Laney.	Stephens.
Looney.	Stewart
McDaniel.	of Edwards.
McLeod.	Stewart of Reeves.
Melson.	Swann.
Miller of Parker.	Sweet of Brown.
Moore.	Sweet of Tarrant.
Morris	Thomason.
of Montague.	Thompson
Owen.	of Harris.
Perkins	Thompson
of Cherokee.	of Red River.
Quicksall.	Thrasher.
Rice.	Walker.
Rosser.	Wallace.

Nays—63.

Bass.	Lawrence.
Beasley	McFarlane.
of Hopkins.	McKean.
Beavens.	Malone.
Binkley.	Martin.
Black, O. B.,	Mathes.
of Bexar.	Merriman.
Black, W. A.,	Morgan.
of Bexar.	Morris of Medina.
Bonham.	Mott.
Cummins.	Neblett.
Davis, John,	Patman.
of Dallas.	Perry.
Dinkle.	Pollard.
Duncan.	Quaid.
Edwards.	Rogers of Harris.
Estes.	Rogers of Shelby.
Faubion.	Rountree.
Fly.	Rowland.
Fugler.	Seagler.
Garrett.	Shearer.
Greer.	Sims.
Hall.	Smith.
Harrington.	Sneed.
Harrison.	Stevenson.
Henderson	Teer.
of McLennan.	Thomas
Hendricks.	of Limestone.
Horton.	Wadley.
Johnson of Ellis.	Webb.
Johnson	Wessels.
of Wichita.	West.
Jones.	Westbrook.
Kellis.	Williams
Lackey.	of Montgomery.
Lauderdale.	

Present—Not Voting.

Cox.	Veatch.
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Absent.

Brown.	Pope.
Lindsey.	Thorn.
Marshall.	Williams
Miller of Dallas.	of McLennan.
Pool.	Wright.

Absent—Excused.

Adams.	Kveton.
Brady.	Leslie.
Crawford.	McCord.
Crumpton.	Menking.
Hanna.	Perkins of Lamar.
Johnson	Quinn.
of Gillespie.	

Question next recurring on the final passage of the bill, yeas and nays were demanded.

House bill No. 107 failed to pass by the following vote:

Yeas—59.

Bass.	McFarlane.
Beasley	McKean.
of McCulloch.	Malone.
Beavens.	Martin.
Binkley.	Mathes.
Black, O. B.,	Merriman.
of Bexar.	Morgan.
Black, W. A.,	Morris of Medina.
of Bexar.	Morris
Bonham.	of Montague.
Coffee.	Mott.
Cummins.	Neblett.
Curtis.	Perry.
Davis, John E.,	Pollard.
of Dallas.	Rogers of Harris.
Davis, John,	Rogers of Shelby.
of Dallas.	Rountree.
Duncan.	Rowland.
Edwards.	Seagler.
Estes.	Shearer.
Fly.	Smith.
Greer.	Sneed.
Hall.	Stevenson.
Harrison.	Stewart of Reeves.
Henderson	Thomas
of McLennan.	of Limestone.
Hendricks.	Thompson
Johnson of Ellis.	of Harris.
Johnson	Wadley.
of Wichita.	Webb.
Jones.	Wessels.
Lackey.	West.
Lauderdale.	Westbrook.
Looney.	Williams
McDaniel.	of Montgomery.

Nays—60.

Aiken.	Burns.
Baker.	Carpenter.
Baldwin.	Childers.
Barker.	Chitwood.
Barrett of Bell.	Cox.
Barrett of Fannin.	Darroch.
Beasley	Dinkle.
of Hopkins.	Duffey.
Branch.	Faubion.
Bryant.	Fugler.
Burkett.	Garrett.
Burmeister.	Grissom.

Hardin.	Quaid.
Harrington.	Quicksall.
Henderson	Rice.
of Marion.	Rosser.
Hill.	Satterwhite.
Horton.	Schweppe.
Kacir.	Sims.
Kellis.	Stephens.
King.	Stewart
Laird.	of Edwards.
Laney.	Swann.
Lawrence.	Sweet of Brown.
Lindsey.	Sweet of Tarrant.
McLeod.	Teer.
Melson.	Thompson
Miller of Parker.	of Red River.
Moore.	Thrasher.
Owen.	Veatch.
Patman.	Walker.
Perkins	Wallace.
of Cherokee.	

Absent.

Brown.	Thomason.
Marshall.	Thorn.
Miller of Dallas.	Williams
Pool.	of McLennan.
Pope.	Wright.

Absent—Excused.

Adams.	Kveton.
Brady.	Leslie.
Crawford.	McCord.
Crumpton.	Menking.
Hanna.	Perkins of Lamar.
Johnson	Quinn.
of Gillespie.	

Mr. Owen moved to reconsider the vote by which the bill failed to pass, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,

Austin, Texas, February 14, 1921.

To the Members of the House:

During my visit this morning, as I sometimes do, I omitted one of the main objects of my coming. I inadvertently failed to mention briefly a few cogent reasons why the suspended sentence law should be repealed. This one thing, more than any other is at this time creating disrespect for and disobedience of the law. It is the bulwark of the criminal and his greatest encouragement to commit crime. I understand that the bill providing for the repeal of this law

will probably be up for your consideration this afternoon. I am therefore transmitting herewith a table of information compiled from correspondence which I have recently had with the clerks of the district courts of the State, and which correspondence is in my office for your inspection.

Reports have been received from all the counties of the State, except twenty-eight. Not counting the number of suspensions from these twenty-eight counties, the number of suspended sentences given during the years 1919 and 1920 aggregate 2001. The table shows the number of suspensions granted during the two years in each county. The table also shows the number of convictions had during the two years in each county, with this explanation: The convictions recorded are from September, 1918, to September, 1920, while the suspended sentences granted are for the two calendar years 1919 and 1920. You will observe from the table that in some counties they have had more suspended sentences than convictions; the explanation for this is that in these counties a term of court was had that was not embraced in the two calendar years of 1919-20. The record by counties as transmitted herewith is for the use of the members, if they so desire.

The prosecuting attorneys, sheriffs and other officers of the State charged with the enforcement of the law, regard the suspended sentence as their greatest impediment. I do not believe that you could render a greater service for law enforcement than to strike from the statute books the entire law providing for the suspended sentence.

Although there are many felonies for which the suspended sentence, under the law, cannot be granted, the figures submitted for your inspection demonstrate that in practically all cases where it is permissible to grant suspended sentences it is done, and in many counties covers practically all convictions had.

Yours sincerely,

PAT M. NEFF,

Governor.

	Suspended Convictions.	Re- Arrests.
Anderson	13	0
Andrews	0	0
Angelina	13	0
Aransas	0	0
Archer	1	0
Armstrong	2	0
Atascosa	0	0
Austin	1	0

	Suspended Convictions.	Re- Arrests.		Suspended Convictions.	Re- Arrests.
Bailey	0	0	Grimes	0	0
Bandera	0	0	Guadalupe	8	0
Bastrop	9	0	Hale	1	0
Baylor	2	0	Hall	6	0
Bee	1	0	Hamilton	3	0
Bexar	141	0	Hardeman	4	0
Blanco	1	0	Hardin	8	0
Bosque	18	1	Harris	149	3
Bowie	29	0	Harrison	15	1
Brazos	12	0	Hartley	2	0
Brewster	1	0	Hays	2	0
Briscoe	0	0	Hemphill	0	0
Brown	1	0	Henderson	7	0
Burleson	4	0	Hidalgo	4	1
Burnet	3	0	Hill	19	0
Caldwell	2	0	Hood	2	0
Callahan	4	0	Houston	9	0
Camp	9	0	Howard	5	0
Cass	4	0	Hudspeth	0	0
Chambers	4	0	Hunt	23	0
Cherokee	9	0	Irion	1	0
Childress	6	2	Jack	5	0
Clay	0	0	Jackson	4	0
Coke	3	0	Jasper	9	2
Coleman	3	0	Jeff Davis	0	0
Collin	52	2	Jim Hogg	1	0
Collingsworth	2	0	Jim Wells	3	0
Colorado	9	0	Johnson	46	2
Comal (for 1920) ..	1	0	Jones	5	0
Comanche	6	0	Karnes	3	0
Concho	0	0	Kaufman	9	0
Cooke	19	0	Kendall	0	0
Coryell	2	0	Kent	1	0
Culberson	0	0	Kerr	4	0
Dallam	4	0	Kimble	1	0
Dallas	149	5	King	0	0
Dawson	1	0	Kinney	4	0
Delta	5	0	Knox	3	0
Denton	27	2	Lamar	76	3
DeWitt (1920)	3	0	La Salle	0	0
Donley	6	0	Lavaca	1	0
Duval	1	0	Leon	7	0
Eastland	55	1	Liberty	11	0
Ector	2	0	Limestone	16	0
Ellis	27	0	Lipscomb	3	0
El Paso	41	4	Llano	5	0
Erath	13	0	Loving (see Reeves County)		
Falls	5	0	Lubbock	4	0
Fannin	39	0	Marion	5	0
Fayette	1	0	Martin	3	0
Fisher	3	0	Mason	0	0
Floyd	0	0	Matagorda	6	0
Foard	0	0	Maverick	2	0
Fort Bend	4	0	McCulloch	10	0
Franklin	11	0	McLennan	37	0
Freestone	2	0	McMullen	1	0
Frio	2	0	Menard	5	0
Garza	1	0	Midland	2	0
Glasscock	1	0	Mills	0	0
Gonzales	8	0	Mitchell	3	0
Grayson	50	1	Montague	13	0
Gregg	5	0			

	Suspended Convictions.	Re- Arrests.
Montgomery	3	0
Moore	0	0
Morris	2	0
Motley	0	0
Nacogdoches	13	0
Navarro	36	1
Newton	6	0
Nolan	20	0
Nueces	6	0
Ochiltree	2	0
Palo Pinto	5	0
Panola	3	0
Parmer	0	0
Polk	10	0
Rains	5	0
Randall	0	0
Real	0	0
Reagan	0	0
Red River	20	2
Reeves	15	0
Roberts	1	0
Robertson	10	0
Sabine	9	0
San Jacinto	3	0
San Patricio	3	0
San Saba	3	1
Schleicher	0	0
Shackelford	6	0
Smith	10	2
Starr	1	0
Stephens	5	0
Sterling	0	0
Stonewall	0	0
Sutton	0	0
Swisher	7	0
Tarrant	102	no rec. kept
Terrell	0	0
Terry	1	0
Throckmorton	0	0
Travis	14	1
Trinity	3	0
Tyler	1	0
Upton	0	0
Uvalde	12	0
Val Verde	10	0
Van Zandt	16	0
Victoria	2	2
Walker	0	0
Waller	9	0
Ward	2	0
Washington	10	0
Webb	23	0
Wharton	1	0
Wheeler	6	0
Wilbarger	4	0
Wilson	8	0
Winkler	0	0
Wise	30	0
Young	6	0
Zapata	0	0

HOUSE BILL NO. 26 ON THIRD READING.

On motion of Mr. Horton the regular order of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 26, A bill to be entitled "An Act to regulate and supervise the sale and purchase in the State of Texas of stocks, stock certificates, bonds, debentures or other securities, and the transaction of business in this State of persons, joint stock companies, common law trusts, co-partnerships, companies or other persons or organizations offering for sale in this State such securities, excepting companies incorporated under the laws of the State of Texas, and declaring an emergency."

The Speaker laid the bill before the House and it was read third time.

Mr. Johnson of Wichita offered the following amendment to the bill:

Amend House bill No. 26 by changing the words "Chief Clerk" where they occur in Section 2, page 2, to "Supervisor."

The amendment was adopted.

Mr. Horton offered the following amendment to the bill:

Amend House bill No. 26, page 2, line 27, by changing the period after the word "permit" to a comma, and add the following: "and shall have authority to cancel such permit at any time it finds the provisions of this law not being complied with after such permit has been granted, or for any other good and lawful cause."

The amendment was adopted.

Question—Shall the bill be passed?

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—110.

Aiken.	Branch.
Baker.	Bryant.
Baldwin.	Burkett.
Barrett of Bell.	Burmeister.
Barrett of Fannin.	Burns.
Bass.	Carpenter.
Beasley	Childers.
of Hopkins.	Chitwood.
Beasley	Coffee.
of McCulloch.	Cox.
Beavens.	Cummins.
Binkley.	Curtis.
Black, O. B.,	Darroch.
of Bexar.	Davis, John.
Black, W. A.,	of Dallas.
of Bexar.	Dinkle.
Bonham.	Duffey.

Duncan.	Owen.
Edwards.	Patman.
Fly.	Perkins
Fugler.	of Cherokee.
Garrett.	Pollard.
Greer.	Quaid.
Grissom.	Quicksall.
Hall.	Rice.
Hardin.	Rogers of Harris.
Harrington.	Rogers of Shelby.
Harrison.	Rosser.
Henderson	Rountree.
of Marion.	Rowland.
Hendricks.	Satterwhite.
Horton.	Schweppe.
Johnson	Seagler.
of Wichita.	Shearer.
Jones.	Sims.
Kacir.	Smith.
Kellis.	Sneed.
King.	Stephens.
Lackey.	Stevenson.
Laird.	Stewart
Laney.	of Edwards.
Lauderdale.	Stewart of Reeves.
Lawrence.	Swann.
Lindsey.	Sweet of Tarrant.
Looney.	Teer.
McDaniel.	Thomas
McKean.	of Limestone.
McLeod.	Thompson
Malone.	of Harris.
Martin.	Thompson
Marshall.	of Red River.
Mathes.	Thrasher.
Melson.	Veatch.
Menking.	Wadley.
Merriman.	Walker.
Miller of Parker.	Wallace.
Moore.	Webb.
Morris of Medina.	Wessels.
Morris	West.
of Montague.	Westbrook.
Mott.	Williams
Neblett.	of Montgomery.

Nays—3.

Henderson	Hill.
of McLennan.	Sweet of Brown.

Present—Not Voting.

Barker.

Absent.

Brown.	Perry.
Davis, John E.,	Pool.
of Dallas.	Pope.
Estes.	Thomason.
Faubion.	Thorn.
Johnson of Ellis.	Williams
McFarlane.	of McLennan.
Miller of Dallas.	Wright.
Morgan.	

Absent—Excused.

Adams.	Crawford.
Brady.	Crumpton.

Hanna.	Leslie.
Johnson	McCord.
of Gillespie.	Perkins of Lamar.
Kveton.	Quinn.

HOUSE BILL NO. 227 ON SECOND READING.

Mr. Stevenson moved to suspend the regular order of business to take up and have placed on its second reading and passage to engrossment.

H. B. No. 227, A bill to be entitled "An Act to provide for the organization of purely co-operative marketing associations, defining their rights, duties and policies; prescribing who may organize such marketing associations, and providing for investigation prior to such organization; prescribing the powers that may be exercised by such marketing associations under this act; prescribing who may become members of such marketing associations; prescribing what shall be contained in the articles of incorporation; providing for amendments to the articles of incorporation; providing for by-laws and the powers under such by-laws; providing for the meetings of members of any association organized under this act, and prescribing the way and manner in which officers and directors of such corporations may be elected; prescribing for membership certificates and their issuance, and also the liability of members under the articles of incorporation and limiting the transferring of membership certificates; providing for the removal of officers and directors of any co-operative marketing association organized under this act; providing for referendum to the stockholders and entire membership of any organization on any question that may be referred to such stockholders or members; providing for marketing contracts of co-operative marketing associations; providing powers, giving the right of purchasing business of other associations, persons, firms and corporations in dealing with an organization incorporated under the terms and provisions of this act; providing for annual reports; limiting the use of the term 'co-operative' as applied to this act; providing for interest in other corporations or associations, and providing contracts and agreements with other associations; providing that any association heretofore organized under the present existing statutes may by majority vote come under the provisions of this act; providing for penalties for the breach of a marketing contract of a co-operative marketing

association, and for making false reports about the association and the management thereof; providing that associations organized under this act shall not be construed as in restraint of trade; providing for annual license fees and filing fees under this act, and providing that if any section of this act is declared unconstitutional, the remainder of the act shall remain in full force and effect, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. John Davis of Dallas offered the following amendments to the bill:

(1)

Amend House bill No. 227 by striking out word "conductive" in line 38, page 3, and insert in lieu thereof the word "conducive."

(2)

Amend House bill No. 227 by striking out the word "incorporations" in line 11, page 5, and insert in lieu thereof the word "incorporators."

(3)

Amend House bill No. 227, line 29, page 5, by striking out the word "do" and insert in lieu thereof the word "so."

(4)

Amend House bill No. 227, line 17, page 13, by inserting the word "where" between the words "except" and "such."

The amendments were severally adopted.

Mr. W. A. Black of Bexar offered the following amendment to the bill:

Amend House bill No. 227 by striking out Section 21, page 11.

On motion of Mr. John Davis of Dallas, the amendment was tabled.

Mr. Burton offered the following amendment to the bill:

Amend House bill No. 227 by striking out Subdivision (d) of Section 6, on page 3 of the bill, and renumber the remaining subdivisions accordingly.

On motion of Mr. John Davis of Dallas, the amendment was tabled.

Mr. Quaid offered the following amendment to the bill:

Amend House bill No. 227, Section 21, lines 20 to 26, inclusive, to read as follows: "The name of 'co-operation' shall not be used hereafter except when incorporated under this act."

Mr. John Davis of Dallas moved to table the amendment, and the motion to table was lost.

Question recurring on the amendment, it was lost.

Mr. Hendricks offered the following amendment to the bill:

Amend House bill No. 227, page 11, line 20, by striking out all words beginning with "any person," on line 20, down to word "title" in line 26.

The amendment was lost.

Mr. Westbrook moved the previous question on the engrossment of the bill, and the main question was ordered.

House bill No. 227 was then passed to engrossment.

HOUSE BILL NO. 227 ON THIRD READING.

Mr. John Davis of Dallas moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 227 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115.

Aiken.	Fugler.
Baker.	Garrett.
Baldwin.	Greer.
Barker.	Grissom.
Barrett of Bell.	Hall.
Barrett of Fannin.	Harrington.
Bass.	Harrison.
Beasley	Henderson
of Hopkins.	of McLennan.
Beasley	Henderson
of McCulloch.	of Marion.
Beavens.	Hendricks.
Binkley.	Hill.
Black, W. A.,	Horton.
of Bexar.	Johnson of Ellis.
Bonham.	Johnson
Branch.	of Wichita.
Bryant.	Jones.
Burkett.	Kacir.
Burmeister.	Kellis.
Burns.	King.
Carpenter.	Lackey.
Childers.	Laird.
Chitwood.	Laney.
Coffee.	Lauderdale.
Cox.	Lawrence.
Cummins.	Looney.
Curtis.	McDaniel.
Darroch.	McFarlane.
Davis, John E.,	McKean.
of Dallas.	McLeod.
Davis, John,	Malone.
of Dallas.	Martin.
Dinkle.	Mathes.
Duffey.	Melson.
Duncan.	Menking.
Edwards.	Merriman.
Faubion.	Morgan.
Fly.	Moore.

Morris of Medina.	Stephens.
Morris	Stevenson.
of Montague.	Stewart
Mott.	of Edwards.
Neblett.	Stewart of Reeves.
Owen.	Swann.
Patman.	Sweet of Brown.
Perkins	Sweet of Tarrant.
of Cherokee.	Teer.
Perry.	Thomas
Pollard.	of Limestone.
Quaid.	Thomason.
Quicksall.	Thompson
Rice.	of Harris.
Rogers of Harris.	Thompson
Rogers of Shelby.	of Red River.
Rosser.	Thrasher.
Rountree.	Veatch.
Rowland.	Wadley.
Satterwhite.	Walker.
Schwappe.	Webb.
Seagler.	Wessels.
Shearer.	West.
Sims.	Westbrook.
Smith.	Williams
Sneed.	of Montgomery

Absent.

Black, O. B.,	Miller of Parker.
of Bexar.	Pool.
Brown.	Pope.
Estes.	Thorn.
Hardin.	Wallace.
Lindsey.	Williams
Marshall.	of McLennan.
Miller of Dallas.	Wright.

Absent—Excused.

Adams.	Kveton.
Brady.	Leslie.
Crawford.	McCord.
Crumpton.	Perkins of Lamar.
Hanna.	Quinn.
Johnson	
of Gillespie.	

The Speaker then laid House bill No. 227 before the House on its third reading and final passage.

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—114.

Aiken.	Beavens.
Baker.	Binkley.
Baldwin.	Black, W. A.,
Barker.	of Bexar.
Barrett of Bell.	Bonham.
Barrett of Fannin.	Branch.
Bass.	Bryant.
Beasley	Burkett.
of Hopkins.	Burmeister.
Beasley	Burns.
of McCulloch.	Carpenter.

Childers.	Morgan.
Chitwood.	Moore.
Coffee.	Morris of Medina.
Cox.	Morris
Cummins.	of Montague.
Curtis.	Mott.
Darroch.	Neblett.
Davis, John E.,	Owen.
of Dallas.	Patman.
Davis, John,	Perkins
of Dallas.	of Cherokee.
Dinkle.	Perry.
Duffey.	Pollard.
Duncan.	Quaid.
Edwards.	Quicksall.
Faubion.	Rice.
Fly.	Rogers of Harris.
Fugler.	Rogers of Shelby.
Garrett.	Rosser.
Greer.	Rountree.
Grissom.	Rowland.
Harrington.	Satterwhite.
Harrison.	Schwappe.
Henderson	Seagler.
of McLennan.	Shearer.
Henderson	Sims.
of Marion.	Smith.
Hendricks.	Sneed.
Hill.	Stephens.
Horton.	Stevenson.
Johnson of Ellis.	Stewart
Johnson	of Edwards.
of Wichita.	Stewart of Reeves.
Jones.	Swann.
Kacir.	Sweet of Brown.
Kellis.	Sweet of Tarrant.
King.	Thomas
Lackey.	of Limestone.
Laird.	Thomason.
Laney.	Thompson
Lauderdale.	of Harris.
Lawrence.	Thompson
Looney.	of Red River.
McDaniel.	Thrasher.
McFarlane.	Veatch.
McKean.	Wadley.
McLeod.	Walker.
Malone.	Webb.
Martin.	Wessels.
Mathes.	West.
Melson.	Westbrook.
Menking.	Williams
Merriman.	of Montgomery.

Absent.

Black, O. B.,	Miller of Parker.
of Bexar.	Pool.
Brown.	Pope.
Estes.	Teer.
Hall.	Thorn.
Hardin.	Wallace.
Lindsey.	Williams
Marshall.	of McLennan.
Miller of Dallas.	Wright.

Absent—Excused.

Adams.	Brady.
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Crawford.	Kveton.
Crumpton.	Leslie.
Hanna.	McCord.
Johnson	Perkins of Lamar.
of Gillespie.	Quinn.

MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, February 14, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 28, A bill to be entitled "An Act to amend Article 5436 of Chapter 9, Title 79, of the Revised Civil Statutes of 1911, of the State of Texas, relating to the sale of public free school and asylum lands, so as to provide for the sale of such lands by the purchaser or any vendee thereof, either in whole tracts or such portions thereof as such purchaser or vendee may desire; and to further provide that the vendee of such lands may be substituted as, and become the purchaser thereof, direct from the State, and that he shall, as to such land, become subject to all of the obligations and penalties imposed by law upon the original purchaser of such land, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

S. B. No. 88, A bill to be entitled "An Act to amend Section 61 of Article 30, Title V, of the Revised Statutes, changing the time of holding the terms of the district court of the Sixty-first Judicial District of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

S. B. No. 89, A bill to be entitled "An Act to amend Chapter Forty-six (46) of the Acts of the Regular Session of the Thirty-sixth Legislature, so as to provide that all corporations that are required by law to pay an annual franchise tax shall make a report to the Secretary of State between the first day of January and the fifteenth day of March, and prescribing what such report shall contain; providing that the Secretary of State may, for good cause shown, extend such time to any date up to the first day of May; providing the date such report shall be made by certain foreign corporations; prescribing penalty for failure to make such report; providing that such report shall be subject to inspection only by persons who are interested directly in the subject matter of such report, and declaring an emergency."

S. B. No. 113, A bill to be entitled "An Act regulating and controlling the business or occupation and those engaged in the business, occupation or employment of caring for, dressing, adorning and beautifying the human hair, face, scalp, hands and skin, including barbers and barber shops and beauty shops, and those connected therewith, and declaring an emergency."

S. B. No. 144, A bill to be entitled "An Act to amend Article 1480, Chapter 2, Title 29, of the Revised Civil Statutes of the State of Texas, 1911, relating to the purchasing of supplies for the use of counties and providing that in cases of emergency purchases not in excess of one hundred and fifty (\$150.00) dollars may be made upon requisition approved by the commissioners court without advertising for competitive bids, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

APPOINTMENT OF SPECIAL COMMITTEE.

The Speaker announced the appointment of following committee to frame Confederate battle flag, in compliance with resolution adopted:

Messrs. Horton, Rountree and Perry.

RECESS.

Mr. Perkins of Cherokee moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Melson moved that the House recess until 9:30 o'clock a. m. tomorrow.

Mr. Faubion moved that the House recess until 10 o'clock a. m. tomorrow.

The motion of Mr. Faubion prevailed, and the House, accordingly, at 5:40 o'clock p. m., took recess to 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports today on bills as follows:

Senatorial Districts: House bill No. 94.

State Affairs: House bill No. 444.

Appropriations: House concurrent resolution No. 22; House bill No. 361.

Education: Senate bills Nos. 121, 176; House bills Nos. 303, 302.

Conservation and Reclamation: House bills Nos. 243, 430.

Criminal Jurisprudence: House bills Nos. 434, 433; Senate bills Nos. 43, 149.

Roads, Bridges and Ferries: House bills Nos. 405, 396, 409.

Claims and Accounts: House bill No. 440.

Game and Fisheries: House bills Nos. 413, 443.

Stock and Stock Raising: House bill No. 435.

Counties: House bills Nos. 309, 422, 411.

Privileges, Suffrage and Elections: House bill No. 364.

Labor: House bill No. 444.

The following standing committees filed adverse reports today on bills as follows:

Stock and Stock Raising: House bill No. 402.

Revenue and Taxation: House bills Nos. 370, 313.

Roads, Bridges and Ferries: House bills Nos. 310, 437.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room.

Austin, Texas, February 14, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 174, A bill to be entitled "An Act to amend Article 7138, Revised Civil Statutes of 1911, so as to provide for the appointment of deputy constables in justice precincts in which there is no city of eight thousand or more inhabitants, and declaring an emergency,"

And find the same correctly engrossed.
SNEED, Chairman.

Committee Room,

Austin, Texas, February 14, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 342, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenues for the several institutions and departments of the State Government for the fiscal year ending August 31, 1921, and declaring an emergency,"

And find the same correctly engrossed.
SNEED, Chairman.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, February 14, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 21, Providing for investigation of price of crude oil,

Have carefully compared same, and find it correctly enrolled, and have this day, at 11:45 o'clock a. m., presented same to the Governor for his approval.

FAUBION, Chairman.

Committee Room,

Austin, Texas, February 14, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 23, Providing for joint session for consultation with the Governor,

Have carefully compared same, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

FAUBION, Chairman.

TWENTY-FIFTH DAY.

(Continued.)

(Tuesday, February 15, 1921.)

The House met at 10 o'clock a. m., and was called to order by Speaker Thomas.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Baldwin, Mr. Jones, Mr. Chitwood and Mr. Stewart of Reeves:

H. B. No. 450, A bill to be entitled "An Act to provide for the sale and leases of the land theretofore or hereafter set apart for the permanent University fund; providing for patenting, transferring and reservation of royalty on minerals, and repealing Articles 2633, 2634 and 2635 of the Revised Civil Statutes of 1911, giving the Board of Regents of University control or the Uni-